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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/814,264      | 03/21/2001  | Osamu Kozakai        | 450100-03070        | 5582             |

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FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

LE, HOANGANH T

ART UNIT PAPER NUMBER

2821

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                |
|------------------------------|--------------------------------------|--------------------------------|
| <b>Office Action Summary</b> | Application No.<br><b>09/814,264</b> | Applicant(s)<br><b>KOZAKAI</b> |
|                              | Examiner<br><b>HOANGANH LE</b>       | Art Unit<br><b>2821</b>        |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Feb 4, 2003

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-10 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-10 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. The RCE filed on February 04, 2003 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Rutkowski et al (the US Patent No. 6,198,442, of record).

The Rutkowski et al reference teaches in the figure 5 an antenna apparatus for receiving or transmitting radio waves at two different frequencies, comprising: a pair of antenna elements 53a,53b having different resonant frequencies, and a pair of phase shift circuits 55a,55b for shifting phase of the radio waves (col. 6, lines 24-31), wherein feed points of the pair of antenna elements are connected to a radio circuit via the pair of phase shift circuits, respectively (see the figure 5). The antennas 53a,53b are electrically

connected in parallel (figures 5-7). Each antenna is operable to receive or transmit the radio waves at a different frequency (col. 5, lines 7-13). One of the phase shift circuits which are coupled to the one of the antenna elements shifts phase of the radio waves so as to increase an impedance of the one of the antenna elements at the resonance frequency of the other one of the antenna elements (col. 6, lines 11-23). The phase shift circuit comprises a lumped circuit 55a,55b. The phase shift circuit comprises a distributed constant circuit (col. 6, lines 6-31).

*Response to Arguments*

4. Applicant's arguments filed December 26, 2002 have been fully considered but they are not persuasive.

Applicant argues that Rutkowski et al do not teach the antennas being electrical connected in parallel. Examiner respectfully disagrees. Rutkowski et al do show in figures 5-7 the antennas 53a,53b,63a,63b73a,73b being electrical connected in parallel.

Since Rutkowski et al do show all claimed structure, including the antennas being electrical connected in parallel, the 102 rejection is proper.

*Correspondence*

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Primary Examiner Hoanganh Le whose telephone number is (703) 308-4921.

6. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

7. Papers related to Technology Center 2800 applications **only** may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

*Hoanganh Le*  
Primary Examiner  
Art Unit 2821  
February 28, 2003

*Hoanganh Le*  
Primary Examiner